

## **REMARKS**

Claims 1-4 are pending and under consideration in the above-identified application. Claim 5 having been previously cancelled.

In the Office Action of August 8, 2008, the Examiner rejected claims 1-4.

With this Amendment, claim 1 was amended. No new matter has been introduced as a result of the amendments.

### **I. Objection To Claims**

Claim 1 was objected to because of the typographical error in line 15. Applicant amended claim 1 so that line 15 now reads, “at least.” Accordingly, the Examiner’s objection is now moot. Accordingly, Applicant respectfully requests withdrawal of this rejection.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (EP 0704921 A1) in view of Fukui et al. (WO 02/21616). Applicant respectfully traverses this rejection.

Claim 1 requires an anode current collector that includes a plurality of layers. The material of the anode current collector layer is a material that is easily alloyed with the active material layer it is in contact with. As such, the active material layers can be composed of different materials and still create an alloy with the anode current collector layer the active material layer is in contact with.

Fujimoto et al. teaches the intercalation of lithium into the anode active layer precursor, but does not teach or even fairly suggest alloying the anode active layer with the anode current collector. EP 0704921 Page 10 l. 1-13. Furthermore, Fujimoto et al. does not teach or even fairly suggest an anode current collector that is a plurality of layers as required by the claims.

Fukui et al. teaches sintering active material particles with conductive metal powder on the surface of a current collector that is conductive metal foil. Fukui et al., Paragraph [0023]. The sintering process diffuses the conductive metal powder and/or the conductive metal foil into the active material particles and localizes around the active material particles. *Id.* Fukui et al. does not teach or even fairly suggest an anode current collector that is a plurality of layers as required by the claims. In fact Fukui et al. specifically teaches a current collector that is a metal foil with a surface roughness to improve adhesion. Fukui et al., Paragraph [0039].

The claims, however, require the current collector layer to be material that easily alloys with the material of the specific alloy layer it is in contact with. As the Applicant's specification discloses, the alloy between the outer anode active material layer and the inner anode active material layer and its respective anode current collector layer is performed to prevent the fracture of the inner and outer anode active material layer due to expansion and shrinkage during charge and discharge is prevented. See Applicant's Specification Page 11, l. 1-13.

As such, the cited references fail either singularly or in combination with each other to teach or even fairly suggest all the requirements of the claims. As such, claims 1- 4 are patentable over the cited references. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

**III. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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